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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DENNIS MONTGOMERY, et al.,

Plaintiffs,

v.

ETREPPID TECHNOLOGIES, INC.,  
et al.,

Defendants.

3:06-CV-00056-PMP-VPC  
BASE FILE

3:06-CV-00145-PMP-VPC

**STIPULATED ORDER  
REGARDING ENFORCEMENT OF  
UNITED STATES PROTECTIVE ORDER**

WHEREAS on August 29, 2007, this Court upheld the United States' assertion of military and state secrets privilege and issued an Order to protect information subject to the military and state secrets privilege (US Protective Order, docket # 253);

WHEREAS this Court subsequently approved procedures to enforce the U.S. Protective Order with respect to client files in the possession of the Montgomery parties' former counsel, Michael J. Flynn and Carla DiMare, in order to protect information covered by that

1 order. February 19 and November 4, 2008 Orders (docket #'s 435 and 881, respectively);

2 WHEREAS, as of September 27, 2007, Ronald J. Logar and Eric A. Pulver of the Law  
3 Office of Logar & Pulver, PC ("Logar and Pulver firm") no longer served as local counsel for the  
4 Montgomery Parties (docket # 287);

5 WHEREAS, as of April 29, 2009, Mark H. Gunderson of the Gunderson Law Firm no  
6 longer served as local counsel for the Montgomery Parties (docket # 1025);

7 WHEREAS the Logar and Pulver firm and the Mark H. Gunderson firm have forwarded  
8 their firm's Montgomery parties' client files to Liner, Grode, Stein, Yankelevitz, Sunshine,  
9 Regenstreif & Taylor (the "Liner Firm"), counsel for the Montgomery parties;

10 WHEREAS Dennis Lee Montgomery and Brenda Kathleen Montgomery ("Debtors")  
11 filed a voluntary petition under Chapter 7 of the Bankruptcy Code. D.L and Brenda K.  
12 Montgomery, No. 6:09-bk-24322-BB (C.D. Ca., petition filed June 26, 2008);

13 WHEREAS, Jason M. Rund is the duly appointed trustee of the Debtors' bankruptcy  
14 estate ("Bankruptcy Estate"); and

15 WHEREAS Jason M. Rund, in his capacity as Chapter 7 Trustee ("Trustee") of the  
16 Bankruptcy Estate requests the turnover of any and all Montgomery parties' client files in order  
17 to investigate and administer the assets of the Bankruptcy Estate.

18 **STIPULATION<sup>1</sup>**

19 IT IS HEREBY STIPULATED that the United States is authorized to review the client  
20 files of the Montgomery parties' in the possession of the Liner firm for the purpose of properly  
21 securing and protecting military and state secrets information that may be contained in said files.

22 IT IS FURTHER STIPULATED that the United States will review the Montgomery  
23 parties' client files pursuant to the procedures approved by the Court with respect to review of  
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25 <sup>1</sup> Joseph A. Eisenberg, Esq., counsel for Dennis Lee Montgomery and Brenda Kathleen  
26 Montgomery, Debtors in D.L and Brenda K. Montgomery, No. 6:09-bk-24322-BB, is entering an  
27 appearance in this action for the limited purpose of signing this stipulation on behalf of  
28 Montgomery Judgment Debtors.

1 Montgomery parties' client files pursuant to the February 19 and November 4, 2008 Orders  
2 (docket #'s 435 and 881, respectively) as set forth below.

3 **CATEGORIES OF DOCUMENTS TO BE REVIEWED**

4 The documents in the Montgomery parties' client files, which may contain information  
5 protected by the military and state secrets privilege, may be described as falling within three  
6 categories, as set forth below:

- 7 A. ***Court Filings:*** Originals or copies of documents filed in the consolidated civil  
8 cases or in the Criminal Search Warrant case containing military and state secrets  
9 information, which has been redacted by order of the District Court.
- 10 B. ***Third-party Communications:*** Correspondence or e-mails either directed or  
11 copied to opposing counsel, non-parties or other persons that contain military and  
12 state secrets information protected by the August 29 U.S. Protective Order,  
13 including memorialization of any oral communication to or from opposing  
14 counsel, non-parties or other persons that references or contains information  
15 protected by the August 29 U.S. Protective Order.
- 16 C. ***Attorney-Client Communications and/or Attorney Work Product:*** (1) drafts of  
17 documents that have been filed in the consolidated cases or in the Criminal Search  
18 Warrant case containing military and state secrets information, which has been  
19 redacted by order of the District Court; (2) any correspondence or e-mails to either  
20 the Montgomery clients or Montgomery co-counsel that were not also sent to  
21 opposing counsel, non-parties or other persons that contain military and state  
22 secrets information protected by the August 29 U.S. Protective Order; and (3) any  
23 memoranda or other document prepared in preparation for or in the consolidated  
24 cases or Criminal Search Warrant case and not filed or not also disseminated to  
25 opposing counsel, non-parties or other persons that reference or contain such  
26 information protected by the August 29 U.S. Protective Order.

**PROCEDURES**

1. A U.S. government employee or employees with the appropriate security clearances and authorizations will first review the Montgomery parties' client files in the Liner firm's possession for the purpose of identifying and segregating all documents that fall within the three categories above.
2. After the initial review is completed, the United States will notify the Court and the parties, including the Trustee of the Bankruptcy Estate, of the estimated universe of documents, including hard drives, if any, that need to be reviewed and the projected date for completion of the United States' review.
3. The U.S. government employee or employees then will redact military and state secret information protected by the August 29 U.S. protective order from such documents.
4. An appropriate inventory will be prepared.
5. Redacted copies of the documents will be returned to the Liner firm.
6. The United States will notify the Court, the parties, and the Trustee of the Bankruptcy Estate, when redacted and unredacted copies of the documents have been returned to the Liner firm.
6. The unredacted originals and one copy of the redacted documents will be stored by the U.S. Department of Justice Security Offices until ninety days after the date this action and the bankruptcy proceeding in D.L and Brenda K. Montgomery, No. 6:09-bk-24322-BB (C.D. Ca., petition filed June 26, 2008) have been closed or final order in both actions issued, and any appeal therefrom has been exhausted.

Respectfully submitted,

Dated: December 9, 2009

/s/  
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Attorneys for Montgomery Judgment Debtors

Dated: December 9, 2009

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Dated: December 9, 2009

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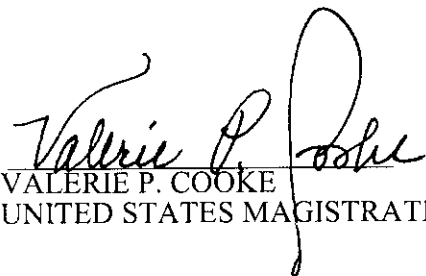
Dated: December 9, 2009

/s/  
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Counsel for United States

IT IS SO ORDERED:

DATED: December 10, 2009

  
VALERIE P. COOKE  
UNITED STATES MAGISTRATE JUDGE